

Code Officials Conference of Michigan

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February 29, 2012

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Senator Tory Rocca, Chairperson
Regulatory Reform Committee
Michigan State Senate
P.O. Box 30036
Lansing, MI 48909-7536

RE: HB 4561 –Construction; Code; Promulgation of rules; modify to a 6 year cycle

Dear Chairperson Rocca & Committee Members Rick Jones, Joe Hune, Arlan Meekhof, Phil Pavlov, Bert Johnson, and Rebekah Warren:

Please accept this letter on behalf of the Board of Directors for the Code Officials Conference of Michigan, an organization comprised of Building Officials within the State of Michigan (cocm.org). We appreciate your consideration of rules that apply to our enforcement of PA 230 of 1972 (building code rules). We would like to take this opportunity to represent some points **in our opposition** to the proposed language in House Bill 4561 that would modify the construction code cycle from every 3 years to every 6 years.

The State of Michigan adopts (modifications to) the International Code Council (ICC) Building Code Standards. The ICC is a private, not-for-profit organization dedicated to building safety and fire prevention. ICC develops the model codes, used as standards and Rules in the construction of residential and commercial buildings, including homes and schools. The ICC works on Rules changes throughout each year of a three-year cycle. The mission of the ICC is to provide the highest quality Codes, Standards, products, and services for all concerned with safety and performance in the Built environment.

Michigan businesses currently benefit from the most recent and up-to-date building safety and efficiency requirements by modifying the proposed ICC language to fit Michigan industry and construction needs. That language is developed by the nation's leading building scientists, fire and life safety officials, home builders, contractors, commercial builders, architects, structural and mechanical engineers, product manufacturers, and Associations. Current statute requires that Michigan update its building and life Safety codes every three years, which coincides with the national model code Cycle. HB 4561 will change this process preventing the State from its ability to update the codes as necessary. Adopting new and emerging technology Rules, allowing for cutting-edge building materials, and cost effective construction methods are just a few of the many advantages to adopting new codes.

The negative impacts of House Bill 4561 will be considerable. Michigan is one of many states that values public safety and the protection of our Built environment by updating building, fire, and energy codes every three years. By adopting such codes,

Michigan provides the safest and economically prudent climate for its citizens. Adoption of HB 4561, reducing the invigoration of the Code cycle, will place Michigan well behind the national standard on building safety. It will limit the use of new construction standards or methods as well as the ability to utilize newly developed cost-effective building materials. Significant resources are invested to become market leaders in any given growing industry. Extending the date of adoption harms these companies as it hinders their ability to bring new energy-efficient products to market. This legislation will impair Michigan-based industry, as many of these companies seek to incorporate compliant energy-efficient products.

HB 4561 creates unnecessary administrative expenses and impairs Michigan's ability to effectively regulate the safety and efficiency of buildings. The code updates are carefully integrated documents meant to complement each other every three years. Movement to a six-year cycle will create much confusion and additional regulatory review.

Homes built with the most current and up to date codes save significant dollars on energy usage as well. Research studies have shown that homeowners save considerably on their energy bills, in essence offsetting the argument that newly developed codes unnecessarily increase the cost of construction. The Building Codes Assistance Project (BCAP) has issued many reports on this caveat and I encourage you to carefully review their analyses.

The bill also attempts to eliminate the ability to "incorporate the provisions of a code, standard, or other material by reference." Yet, the current state building code includes hundreds of references to established national standards. Michigan may not have the capacity or the funding necessary to recreate these codes or standards. The inability to reference standards would also make the building process much more difficult and confusing for builders, design professionals, and code enforcement officials.

In a time of economic regression, reforms are necessary to improve the economic vitality of the State, and ICC respects each States' authority to make those changes. However, it is our belief that HB 4561 will create a greater burden on the taxpayers and businesses, and put at risk the safety of its citizens by extending the timing of updating your building and life safety codes.

The ICC code development cycle is a three-year consensus based process, based upon specific changes recommended by anyone wishing to participate in the process. These proposals are deliberated by representatives from virtually every affected industry or organization in addition to government officials. However, final approval is reserved for government officials appointed by their jurisdictions, and responsible for the administration and enforcement of the codes in those respective jurisdictions.

The Code Officials Conference of Michigan respectfully requests that this Committee carefully consider the negative impact of the bill; HB 4561 on the States' ability to attract new business, provide affordable, safe, and energy efficient housing, and ensure the public safety of its communities where we live, work, and play.

As the building code is the legal basis, used in courts of law, to litigate insurance claims, injuries, and building safety issues, we would ask that the rules be adopted by the State on a more timely basis. If a change is considered, we (the Code Officials) would wish that Michigan would bring the ICC Codes into effect near the time of printing. That is, it would be nice to use the 2009 Codes starting January of 2009, and so on. As it is, Michigan adopted the 2009 Codes to be effective March 9, 2011.

Revision of the Building and Life Safety (fire, etc) Codes are often tied to events. After 9 / 11, the codes made significant changes to high-rise buildings (structural, and non-structural). After significant fire events in which scores of people lost their lives, pyrotechnic and exiting rules reacted to those losses. After gas-line explosions, the fuel gas industry strengthened their requirements. After pool drowning and

disembowelments, the pool industry reset their Rules. It is daunting to even think that we should limit the life safety Codes in Michigan to await the end of the next 6-year cycle, this while Codes are being updated regularly on a three-year basis elsewhere in our Country.

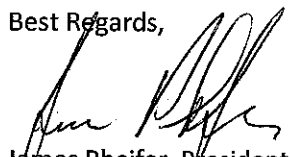
We understand that the legislation process has passed through the House, and is now before your Senate Committee. COCM represents some 450 Code Officials throughout the State of Michigan. Our membership has voiced strong feelings about the points made in this letter and feels the proposed language would do the following:

- a. There would be delays for consumers wanting to use the latest building methods. Construction costs may be increased and improved construction techniques might be delayed for a period of time (3 year code cycle). Construction technology is changing rapidly and Codes need to change rapidly to keep up.
- b. Building safety will be affected. Codes are developed by Code Officials for the safety of the occupants in a built environment. Extending the time line for code development may result in structures being less safe. The Codes are reactive to a need for change immediately.
- c. Some Federal programs condition the acceptance of revenue sharing with our state upon adoption of the latest codes. That is, the recent stimulus monies were conditioned upon adoption of the current (2009) energy codes.
- d. It may cost the residents of this State a great deal more than the cost of a code book. Residential Code books currently cost approximately \$81.50 (member price available through most Building departments).

Our concern is stated here for the potential quagmire this will cause in the construction (and supporting) industries. We wish to restate our opposition to any action extending the length of period between code adoptions.

We would like to thank-you for your consideration in our objection to House Bill 4561.

Best Regards,



James Pheifer, President
Code Official Conference of Michigan (COCM)